



Hendry County Sheriff's Office

General Order 10.1

TITLE: Acting Positions in a Higher Promotional Classification	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: December 26, 2018	REVISION DATE: May 22, 2019
RELATED REFERENCES: <i>Fair Labor Standards Act</i> CFA:	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 22, 2022

I. PURPOSE: The purpose of this order is for member's understanding of acting positions in a higher promotional classification.

II. SCOPE: This order shall apply to all sheriffs' office members.

III. POLICY: If, during a twelve (12) month period of time measured from the date of the first assignment to a higher classification, a deputy works in a higher classification for more than seven (7) work days, he/she shall be paid at the entry level of the higher rated job for any such days over seven (7). Corporals are considered supervisors, as well as, FTOs and in the absence of a shift sergeant will assume responsibility of supervising the shift as a Corporal with no additional pay increase.

IV. PROCEDURE:

- A. Prior to appointment, the Chief Deputy must approve all acting supervisor/manager assignments within their respective areas that exceed ten consecutive workdays.
- B. Sworn employees must be approved for the higher classification in order to be promoted to the acting position.
- C. Any employee who is promoted by the Sheriff to act in a higher classification for a continuous period of 40 hours or more will receive compensation as written in collective bargaining agreement.
- D. If the employee's base salary is equal to or exceeds the minimum pay rate of the supervisor's/manager's/other employee's pay range, the employee's base salary will be increased.
- E. During the portion of the acting assignment for which additional compensation is paid, the employee's status with respect to overtime eligibility will temporarily be classified the same "**overtime eligible**" or "**overtime exempt**" as the position the employee is currently assigned to in an "acting" capacity. If the employee's regular position is overtime eligible and he/she is temporarily classified as overtime exempt in an acting administrative, managerial or professional position, he/she will be eligible to

accrue compensatory time applicable to overtime exempt administrative/professional positions (GO 9.8 – Standard Work Hours and Overtime).

- F. A memorandum must be initiated by supervision/management once the employee has met the time criteria outlined above for receiving additional compensation for an “acting” supervisory/manager/higher level position assignment. The Human Resource Action Forms will be completed by Human Resources.
 - G. An employee may be removed from an acting rank assignment in order to facilitate training opportunities for other employees; however, an employee shall not be removed from an acting rank assignment solely for the purpose of avoiding payment.
 - H. In the event that an employee in an acting assignment is charged with an infraction that would result in substantive disciplinary action (i.e., suspension, demotion, termination), the employee may be removed from the acting assignment and restored to his/her original position.
 - I. Generally, “acting” assignments will not exceed 90 consecutive days unless the position is vacant and cannot be filled within this timeframe, or unless exigent circumstances (e.g., family and medical leave) prevent the regular incumbent from fulfilling the position duties.
 - J. Upon completion of the temporary assignment, the employee will be returned to his/her rate of pay, overtime eligibility status, and any other status, which preceded the temporary assignment.
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V. GLOSSARY:

HIGHER LEVEL POSITION – For purposes of this policy, a higher level position is a position with a higher pay grade than that of the employee’s regular classification or, in the case of sworn positions, a position of a higher rank. Corporals are considered supervisors, as well as, FTOs and in the absence of a shift sergeant will assume responsibility of supervising the shift as a Corporal with no additional pay increase.

LATERAL TRANSFER – An administrative lateral transfer is an employee’s move from one position to another within the same classification at the same salary step at the Sheriff’s direction. The transfer may refer to the movement of a member from one geographic work location such as a district or division to another, or a work schedule within the same geographic work location to another.

ADMINISTRATIVE/MANAGERIAL – A classification that requires the permanent supervision of three or more employees who work for the Sheriff’s Office and is exempt from the Fair Labor Standards Act. (FLSA).

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.